

BELT NEWS BELT NEWS BELT NEWS

Michigan belt use hits all-time high

According to a recent survey conducted by the University of Michigan Transportation Research Institute, Michigan's safety belt use rate has increased to 83.9 percent, up from 82.9 percent.

The increase followed a very successful "Buckle Up or Pay Up - Click It or Ticket" mobilization May 19-June 1.

National belt use hits 79 percent

Following the massive, national "Click It or Ticket" mobilization in May, the safety belt use rate in the United States has reached 79 percent - the highest rate ever recorded.

The May enforcement mobilization was, for the first time, supplemented by an almost \$25 million state and national media campaign. More than 12,000 law enforcement agencies in all 50 states, the District of Columbia and Puerto Rico participated in the campaign.

Delaware and Illinois enact primary belt laws

Delaware and Illinois became the 19th and 20th states in the nation to pass primary safety belt laws this past summer.

In Delaware, the upgraded law requires safety belt use by all occupants of a motor vehicle. The penalty for a safety belt violation is a fine of \$25.

In Illinois, additional legislation enacted will require children under age 8 to ride in booster seats and adds a passenger restriction to the state's existing graduated driver licensing system.

The New Definition of Drunk Driving.



State adopts lower BAC limit

Michigan's tolerance for drunk drivers has gone down, as of September 30, 2003, when .08 blood-alcohol content (BAC) became the new drunk driving standard. Michigan previously had a two-tiered standard, with .10 BAC or greater considered drunk driving and .08-.09 BAC being impaired driving.

A broad-based state coalition is working to inform motorists of the change to .08. The campaign encourages motorists to take appropriate steps to avoid a drunk driving arrest and the subsequent penalties.

A series of news conferences kicked-off the information campaign on September 30. In addition, materials and a public service announcement have been developed to educate the public about the change in the law.

Members of the coalition include: AAA Michigan, Michigan Office of Highway Safety Planning, MADD Michigan, Michigan Department of State, Michigan Center for Truck Safety, Michigan Coalition to Reduce Underage Drinking, Michigan Interfaith Council on Alcohol Problems, Michigan Resource Center, Michigan State Police, Prevention Network, Prosecuting Attorneys Association of Michigan, Student Leadership Services, Michigan Sheriff's Association, Michigan Association of Chiefs of Police and the Traffic Safety Association of Michigan.

Many studies show that .08 BAC laws save lives. The National Highway Traffic Safety Administration (NHTSA) estimates the country would save 600 lives each year if all states adopted .08 laws.

According to NHTSA, laboratory and on-road research shows that the vast majority of drivers are significantly impaired at .08 with regard to critical driving tasks such as braking, steering, lane changing, judgment and divided attention.

In addition to the change in the drunk driving standard, the new law also contains a zero tolerance for drivers with "schedule 1" drugs in their system, such as marijuana, GHB, cocaine and cocaine-derivative drugs.

Materials to support the .08 campaign are available through the Michigan Resource Center (MRC). Items include a poster - "The New Definition of Drunk Driving" (AL214P) and an informational brochure (AL215) available in English, Spanish (AL215SP), and Arabic (AL215A). To order, contact MRC at (800) 626-4636 or go to www.michiganresourcecenter.org

DIRECTOR'S CORNER

MICHAEL L. PRINCE

Division Director, Office of Highway Safety Planning

I would like to extend my sincere appreciation for the many congratulatory messages I have received since being appointed as the new OHSP director. It was nice to hear from a number of old friends and to make some new ones as well.

It is an honor to follow in the footsteps of those who have led this office since its creation in 1969, including Betty Mercer, Karen Tarrant, Phil Haseltine, Tom Reel, and Noel Bufo. I particularly want to thank Betty Mercer for her assistance in the transition process and to wish her all the best of success in her new endeavors. Betty left the office in a great position for her replacement. Fatalities are decreasing and safety belt use is increasing. It is now our responsibility to keep those numbers going in the right direction.

Being back at OHSP is very special for me after a seven-year absence. Some of the staff I have had the opportunity to work with before while many I am working with for the first time. The one common denominator is that they are all very professional and committed to the cause of traffic safety. It is great to be part of the OHSP team again.

Since my first day on June 23, I have spent the majority of my

time getting to know staff and our stakeholders and partners in traffic safety around the state. It is crucial for me to spend this time listening to all of you and learning about the issues and challenges that lie ahead.

Michigan has a reputation around this region and the country for having one of the best highway safety programs in the nation. It is my intent to build on our past success and the formula that got us to where we are today, mutual cooperation, inclusion, teamwork, and innovation.

I am confident that the program support we provide to state and local agencies for enforcement, training, and initiatives is making a difference and saving lives. The nature of our business will never allow us to know precisely how many people are being saved from death or serious injury. However, we need to continue to remind ourselves that there are people alive today and enjoying life with their friends and families who might not have been so fortunate if not for your efforts.

It is with great optimism that I look to the future and the many accomplishments that we will achieve together in our efforts to make Michigan's roadways safer for everyone.

Nearly 2,600 arrested during statewide drunk driving crackdown

Law enforcement officers arrested 2,583 motorists for alcohol-related offenses during the statewide *You Drink & Drive. You Lose.* crackdown that took place June 27–July 13.

While the number of alcohol arrests is down somewhat from the December 2002 mobilization, so is the number of



agencies reporting statistics to the Office of Highway Safety Planning. In December, there were 2,736 arrests for alcohol-related offenses reported by 337 law enforcement agencies. Most recently, 279 agencies reported their activity to OHSP.

More than 550 Michigan law enforcement agencies took part in the crackdown. OHSP information shows agencies logged 61,373 patrol hours, stopping 48,258 vehicles and making 613 felony and 4,004 misdemeanor arrests. In addition, officers issued 3,606 safety belt citations and 14,595 speeding tickets.

To promote the campaign, OHSP conducted an incentive program for law enforcement agencies participating in the mobilization.

The following 12 agencies were chosen by random drawing and awarded a grant of \$5,000 toward the purchase of traffic safety equipment or overtime: Delta County Sheriff's Office, Dickinson County Sheriff's Office, Lapeer County Sheriff's Office, Oceana County Sheriff's Office, Blackman Township Department of Public Safety, Hazel Park Police Department, Olivet Police Department, Southfield Police Department, Cheboygan MSP Post, Gladwin MSP Post, Newberry MSP Post, and Ypsilanti MSP Post.

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Law Enforcement Challenge winners named

Six law enforcement agencies were awarded traffic safety grants from the Michigan Office of Highway Safety Planning (OHSP) during the Aug. 18 Law Enforcement Challenge Luncheon at the Lansing Sheraton Hotel.

Regional winners awarded \$10,000 grants were the Allen Park Police Department – Southeastern Region; City of DeWitt Police Department – Central Region; Manistee Police Department – Western Region; Michigan State Police Alpena Post – Northern Region; and the Michigan State Police Coldwater Post – Southern Region.

The Michigan State Police West Branch Post – Northeast Region was awarded a \$35,000 grant.

Grants can be used to purchase traffic safety equipment or pay for overtime traffic enforcement. Law enforcement agencies became eligible to receive the grant awards by participating in four traffic safety mobilizations focusing on either drunk driving or safety belt enforcement. Grants were awarded through a random drawing.

OHSP receives funding from



The Michigan State Police West Branch Post was awarded a \$35,000 grant from OHSP. Pictured are (l. to r.) First Lieutenant Charles Allen of the MSP-West Branch Post; Sergeant Jill Bennett, OHSP law enforcement liaison to the Michigan State Police; Sergeant Kevin Nickel, OHSP law enforcement liaison for the Northeast Region; and Michael L. Prince, OHSP division director.

the National Highway Traffic Safety Administration to support traffic safety programs. All Michigan law enforcement agencies are encouraged to participate in traffic safety mobilizations and more than 500 agencies signed on as participants in the current fiscal year, which runs October 2002 through September 2003.



Pictured are (l. to r.) Detective Ken Pelland, OHSP law enforcement liaison for the Southeastern Region; Deputy Chief Dennis Gallow of the Allen Park Police Department; and Michael L. Prince, OHSP division director.



Pictured are (l. to r.) Dale Haverdink, OHSP law enforcement liaison for the Western Region; Sergeant Matt S. Thompson of the Manistee Police Department, and Michael L. Prince, OHSP division director.



Pictured are First Lieutenant Alvin Koenigsnecht of the MSP-Coldwater Post; Sergeant Jill Bennett, OHSP law enforcement liaison to the Michigan State Police; Pete Brokas, OHSP law enforcement liaison for the Southern Region; and Michael L. Prince, OHSP division director.

Kick off this school year with a walk

By Laurie Bullock, Safe Communities Coordinator

What activity can improve child safety on the way to school, promote healthy habits and energize your community? The answer is simple and easy to do – start a walk-to-school event for your school or community!



The *International Walk to School Day* is Wednesday, October 8, and this year you can make a week of it by participating in *International Walk to School Week*, October 6–10.

The following websites can provide lots of information and materials to help you get started.

www.walktoschool-usa.org — provides a *Walkability Checklist*, *Bikeability Checklist*, a booklet, a toolkit, sample press releases, and sample proclamation. You can even find out about other Michigan communities who have participated!

www.cdc.gov/nccdphp/dnpa/kidswalk/resources.htm — provides a PowerPoint presentation, a fact sheet, a guide for promoting the program, materials for organizing, and ideas for adapting the program to your community, generating children's enthusiasm, working with the media and elected officials, and promoting policy, as well as safety tips, resources, and sample letters, surveys, parental consent forms, etc.

Top Ten Reasons Your Community Should Participate in a Walk-to-School Event

1. A great way to spend time with your kids and to get to know other kids and adults in the community. It's also a great way to kick-off the school year.
2. A fun way to promote physical activity and nutrition in your community.
3. It promotes community spirit by getting community residents involved in an activity that is easy to organize, fun to participate in, can be continued on a regular basis, and gets the community to come together to create safer environments for children.
4. It teaches safe walking skills to children.
5. It creates an awareness of how walkable a community is, and where improvements can be made.
6. It reduces traffic congestion, pollution, and speed near schools.
7. It promotes relationships between families, schools, law enforcement, health agencies, and other local businesses and organizations.
8. Anyone can get it started – a parent, a student, a teacher, a police officer, a business leader, a concerned resident, a community group or coalition, or an elected official.
9. Teachers report that children who participate get along better and are more alert in class.
10. You won't know how wonderful it is until you do it!

Community mourns loss of traffic safety pioneer

Patricia Mary Florence Theresa Fossum Waller, 70, died at her home on August 15, 2003, following a nine-month battle with metastatic colon cancer.

Dr. Waller was trained as a clinical psychologist and had a distinguished career as a leading research scientist and advocate for policy reform in the area of transportation safety and injury control.

She joined the UNC Highway Safety Research Center in 1967, serving as Associate Director for Driver Studies for 20 years and was a faculty member of the UNC School of Public Health. In 1987, she became the founding director of the UNC Injury Prevention Research Center, one of the first five centers of excellence in injury prevention research funded by the Centers for Disease Control and Prevention.

She left UNC in 1989 to become Director of the

Transportation Research Institute at the University of Michigan, where she held academic appointments in the Schools of Medicine and Public Health, and the Department of Psychology.

A memorial service in celebration of her life will be held at 3 p.m. on Sunday, October 12, at the Community Church of Chapel Hill, Unitarian Universalist, 106 Purefoy Road, Chapel Hill. Her family asks that, in lieu of flowers, please consider a donation to the University of Michigan's Patricia F. Waller Scholarship Fund, which supports graduate student research in transportation science.

Checks should be made to the University of Michigan and sent to:

The Patricia F. Waller Scholarship Fund, University of Michigan Transportation Research Institute, 2901 Baxter Road, Room 154, Ann Arbor, MI 48109-2150.

PAAM Legal Update

.08 – It's Heerre

Think back. It's October 1999. A new law just went into effect that was called the Repeat Offender Law. That law made some significant changes to the OUIL laws of Michigan. Of course, after it passed, there were sighs of relief and a general consensus that the OUIL laws were set for the foreseeable future.

Now travel to today's date. It's time for a change. The OUIL laws are going through another rewrite that will go into effect September 30, 2003. To refresh your memory, in October of 2000, the federal government required that all states adopt an .08 UBAC law or face the consequences of losing federal highway funding. While Michigan has always had .08 as a less serious offense, it did not comply with the federal requirements. This month, Michigan passed a bill that complies with those requirements. However, this law does more than that.

Over and above the loss of funds from the federal government, it has been shown that .08 laws save lives. A review of nine studies that have examined .08 laws and their impact found that in the 16 states that passed .08 before January 1, 1998, there was a median decrease in fatal alcohol-related crashes of 7 percent. Three of those studies estimated that if all 50 states had .08 as their primary enforcement level 400 to 600 lives would be saved. That's 400 to 600 people now killed needlessly. So .08 saves lives.

So what does the law look like? OUIL and Impaired Driving are still in the statute. However, Operating While Intoxicated (OWI)

is added to the statute and uses OUIL as part of its definition. It is defined as either being under the influence of an alcoholic liquor (OUAL?) or having a BAC of .08 or greater.

Impaired Driving uses the same definition of visibly impaired, without any BAC to define it.

Assume that you have someone that has marijuana in their system and that person is driving a car. The law now says that someone that has ANY AMOUNT of a "schedule 1" controlled substance or cocaine in their body has violated the law. We will not have to prove that they are under the influence or impaired. However, if it is a controlled substance that is not under "schedule 1," proof of being under the influence is still necessary.

The BAC presumptions that are currently present in the statute have been stricken, but in their place is relation back language. In other words, when the breath test is given or blood is drawn, the results of the tests are presumed to be the same as at the time the person was driving. Also in the law, the implied consent penalties have been increased. Anyone that refuses the first time, is given a one-year suspension. For a second refusal, it is a two-year suspension.

Another important change deals with the sentencing guidelines. How many times have we seen cases where an intoxicated driver kills someone, and the guidelines indicate that jail, not prison, is the proper sentence? It was as if that person's death was not as big a deal as someone killed by a gun in a bar room fight. In a tie-barred bill, (House Bill 4248) variable 3 of the Sentencing Guidelines has increased

the points assigned when a person is killed by a driver who was intoxicated from 35 points to 50 points, thus making it more likely that a person will go to prison.

One other current addition to the law is a sunset provision that the .08 law will expire on September 30, 2013. So in 10 years we will go back to the current OUIL law. Of

course, if the federal requirements are the same as now we would then be in violation of those guidelines and lose a significant amount of highway funding.

Confused? That's OK. There are a lot of changes coming with this bill in the area of prosecuting intoxicated drivers. Several seminars are already planned around the state to train prosecutors and traffic safety individuals on the intricacies of these new laws. Keep an eye out for the announcements, or check the PAAM Traffic Safety Training web site at www.paamtrafficsafety.com.

Consult Your Prosecutor Before Adopting Practices Suggested by Reports in this Article.

The statutes and court decisions in this article are reported to help you keep up with trends in the law. Discuss your practices that relate to these statutes and cases with your commanding officers, police legal advisors, and the prosecuting attorney, before changing your practices in reliance on a reported court decision or legislative change.

--David Wallace
Traffic Safety Training Attorney



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